

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No. 09/843,771
Docket No. Q63730

REMARKS

Claims 6-9, and 11-15, and 22-24 are all the claims pending in the application. Claims 6, 7, 9, 12, 13, 15, and 22 are independent claims. By this amendment, claims 1-4 and 16-21 are canceled.

Formal Matters

* The Examiner has objected to Claims 6 and 7, alleging that the "Interactive Voice Response System" must be shown in the drawings. In response, Applicant has amended Fig. 2 to show the IVR Interface 26. Applicant respectfully submits that no new matter has been added, and requests the Examiner to withdraw this objection.

In addition, the Examiner has objected to the use of the numeral "iii." in claim 24. Although Applicant is not aware of any reason why the use of the numeral "iii." is not acceptable, Applicants have deleted this numeral so that the claim format is the Examiner's preferred style without changing the scope of claimed subject matter. Applicant respectfully requests the Examiner to withdraw this objection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Agraharam et al. (US 6,483,899) in view of Skinner et al. (US 6,529,737). Claim 4 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Agraharam in view of Skinner as applied to claim 1, and further in view of Fortman (US 6,203,192).

Applicant has canceled claims 1-4, rendering the rejections of these claims moot.

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Claims 6-9 and 11-24 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skinner in view of Nakatsu et al. (US 5,787,151).

As an initial matter, the recitations of dependent claims 16-21 have been added to independent claims 6, 7, 9, 12, 13, and 15, respectively, and claims 16-21 have been canceled. In addition, independent claim 22 has been amended in a similar manner. Applicant believe that the amendments do not raise any new issues and place the application in better condition for appeal. Therefore, requests that the Examiner enter the Amendment. In view of these amendments, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 6, 7, 9, 12, 13, 15, and 22.

Nakatsu discloses a system for sending greetings to a called party, in which the calling party is able to select a greeting message and add a voice portion. Nakatsu at 2:37-41. The greeting system is not a call answering system, but is instead a greeting service independent of the called party's call answering system.

It is the Examiner's position that if Nakatsu's greeting system were used in combination with the Skinner's SMS Service 70 (which converts incoming voice messages into SMS text messages), then Nakatsu's greetings would be converted to text by Skinner's SMS system (CAS).

However, assuming *arguendo* that Skinner's system and Nakatsu's system were to be combined in this way, there is no motivation or suggestion to modify the combined system so that the plurality of available pre-prepared messages are pre-programmed *by a called party*.

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It is the Examiner's position that *some party* must pre-program the greetings of Nakatsu's greeting system, and that it is well known that that the *some party* "can be called a party for having received telephone messages." Therefore, it appears that the Examiner is taking the position that if the person who pre-programmed Nakatsu's greeting system has *ever received a call*, then that person is a "called party".

At least in this regard, the Examiner interpretation of the recited claim language is unreasonable. For example, there is a clear *definition* in the specification that the term called party (GDP) refers to "the party being called" (Specification at 10:19), and, as such, one of ordinary skill in the art would interpret the phrase "called party" based on this definition.

Therefore, even if a party that pre-programs Nakatsu's greeting system messages has received calls in the past, or may receive calls in the future, the party that pre-programs the greeting system does not correspond to a *called party* in light of the specification's explicit definition.

In addition, although the system disclosed in Nakatsu allows some "personalization", this personalization is limited to adding personal information, adding a personal introduction, or adding a good bye, which is similar to the way voice mail answering systems have been "personalized". As such, although Nakatsu's system is not related to a call answering system, it "mimics" the interface of the then existing call answering system, where there is a "core" of the message that was prepared by the system with some "personal" additions allowed by the called

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party. Therefore, Nakatsu provides no suggestion that the *calling party*, who initiates the message, would enter the "core" information (i.e., greeting messages).

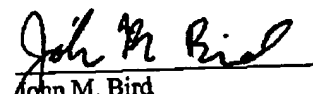
As such, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 6, 7, 9, 12, 13, 15, and 22. In addition, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 8, 11, 14, 23, and 24 at least because of their dependency from one of independent claims 7, 9, 12, 13, and 22.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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